

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
80121-08601

First named inventor: Peter Callas

Application No.: 10/705,652

Group Art Unit: 3734

Filed: November 10, 2003

Examiner: Michael G. Mendoza

Title: Endoscopic Surgical Access Port And Method

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee
☐ Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☒ Other than small entity - fee \$1,500 (37 CFR 1.17(m))
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in the form of (identify type of reply):
Issue Fee Transmittal and Issue Fee
☐ has been filed previously on _____.
☒ is enclosed herewith.
 - B. The issue fee of \$1,400
☐ has been filed previously on _____.
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995 no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

5/3/07
Date

/Albert C. Smith/
Signature

Telephone
Number: (650) 335-7296

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP
801 California Street
Mountain View, CA 94040

Enclosures: ☒ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Small Entity Status Form
☒ Issue Fee Transmittal with Issue Fee